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9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

CR 05-512

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 WENNY HOANG BUI,

18 Defendant.
19

No. CR 3-05-70324-EDL

ORDER EXCLUDING TIME UNDER
THE SPEEDY TRIAL ACT

20 This matter came on the calendar of the Honorable Bernard Zimmerman on August 5,
21 2005. At the parties' request, the Court continued the matter until August 10, 2005 for
22 arraignment on a misdemeanor information and change of plea.

23 The parties requested an exclusion of time under the Speedy Trial Act from August 5
24 through 10, 2005 based upon the need for effective preparation of counsel. Specifically, the
25 government recently provided additional discovery to the defense and the government is in the
26 process of obtaining information from the defense necessary to resolve this case as a
27 misdemeanor. Therefore, the parties are requesting an exclusion of time under the Speedy Trial
28 Act. The parties agree that the time from August 5-10, 2005 should be excluded in computing


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No. CR 3-05-70324-EDL

1 the time within which an information must be filed. See 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).

2 Accordingly, the Court HEREBY ORDERS that the time from August 5-10, 2005 is
3 excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The Court finds that the failure to grant
4 the requested exclusion would deny the defendant reasonable time necessary for effective
5 preparation, taking into account the exercise of due diligence. See 18 U.S.C. §
6 3161(h)(8)(B)(iv). The Court finds that the ends of justice served by granting the requested
7 exclusion outweigh the best interest of the public and the defendant in a speedy trial and in the
8 prompt disposition of criminal cases. See 18 U.S.C. § 3161(h)(8)(A). The Court therefore
9 concludes that this exclusion of time should be made under 18 U.S.C. § 3161(h)(8)(A).

10 SO ORDERED.

11
12 DATED: August 9, 2005


HONORABLE BERNARD ZIMMERMAN
UNITED STATES MAGISTRATE JUDGE

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14 Approved as to form:

15
16 /s/ Joseph Morehead
JOSEPH MOREHEAD, ESQ.
17 Attorney for Defendant

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19 /s/ Monica Fernandez
MONICA FERNANDEZ
20 Assistant United States Attorney